

## U.S. Department of Justice



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| USDC SDNY                          | United States Attorney                               |
| DOCUMENT                           | Southern District of New York                        |
| <del>BY ELECTRONICALLY FILED</del> |  |
| DOC #:                             | The Silvio J. Mollo Building                         |
| DATE FILED: <u>6/10/08</u>         | One Saint Andrew's Plaza<br>New York, New York 10007 |

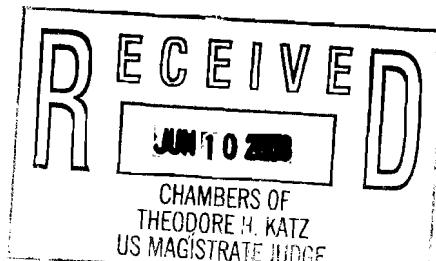
June 10, 2008

By Fax to 212-805-7932

The Honorable Theodore H. Katz  
 United States Magistrate Court  
 United States Courthouse  
 500 Pearl Street  
 New York, New York 10007

Re: United States v. Fermin  
 08 Civ. 925 (JSR)(THK)

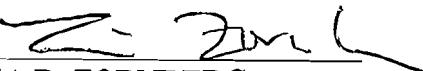
Dear Judge Katz:

**MEMO ENDORSED**

The Government respectfully requests an extension of time until June 17, 2008, to file its response to the above-referenced habeas petition. This Office has no record of having been served with the defendant's petition, or of receiving electronic notification of its filing through ECF. We first learned of the petition on May 28, 2008, when Your Honor's clerk contacted the undersigned AUSA. Immediately after learning of the petition, we requisitioned from storage the underlying criminal file pertaining to Mr. Fermin's illegal re-entry conviction, and we received that file a few days ago. We are presently preparing a response to the issues raised in the petition and request an extension until June 17<sup>th</sup> to finalize that response and file it with the Court.

Respectfully,

MICHAEL J. GARCIA  
 United States Attorney

By:   
 LISA R. ZORNBERG  
 Assistant United States Attorney  
 (212) 637-2720

cc: Manuel K. Fermin (by regular mail)  
 06280-052  
 Moshannon Valley Correctional Facility  
 555 I-Cornell Drive  
 Philipsburg, PA 16866

*The response to the petition  
 shall be filed by June 17, 2008.  
 Any reply shall be filed by  
 July 7, 2008.*

*5-10-08  
 6/10/08  
 Michael J. Katz  
 USM*